

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In Re:

SEAN J. GUTHRIE

Debtor

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Case No. 19-06891-JMC-13

AMENDED MOTION TO SELL AT PRIVATE SALE
AND NOTICE OF OBJECTION DEADLINE

The Debtor hereby moves the Court, pursuant to 11 U.S.C. 363(f) and Local Rule B-6004-2, to approve the sale of property as described below, and states:

1. The property to be sold is real estate located at 3202 Lindbergh Drive, Indianapolis, IN 46227.
2. The prospective buyers are Jackson & Tiffany Davis.
3. The agreed sales price is \$230,000.00, and it is contingent on the buyers obtaining financing. A copy of the purchase agreement is attached to this motion as an Exhibit.
4. There is a first mortgage against the property with U.S. Bank National Association (serviced by Rushmore Loan Management Services) with a payoff balance of approximately \$130,000.00 which will be paid out of the sale proceeds. The closing agent will also pay the reasonable costs of sale, including broker commissions and closing expenses, etc.
5. Debtor claimed an exemption of \$17,600.00 against the property.
6. Nevertheless, Debtor wishes to use the proceeds to pay the remaining claims in the bankruptcy case. As such, the closing agent should make the first **\$39,000.00** of funds normally payable to seller payable directly to the Trustee. The closing agent will make these funds payable to **John Hauber, Trustee** and mail them to PO Box 2405, Memphis, TN 38101-2405. The remaining sale proceeds normally paid to the Seller at closing should be paid directly to the Debtor, Sean Guthrie.
6. Closing of the sale is currently scheduled for 4/4/2023 or the earliest date possible after approval by the Court and approval of the buyers' financing.
7. The property was marketed for sale as follows: Listed in Multiple Listing Service by Miguel Rodriguez of Keller Williams Indy Metro West. No other offers to purchase were received.
8. The known relationships among the Prospective Purchaser and its insiders and the Debtor and its insiders or the trustee are as follows: NONE

9. The relationships or connections that the trustee or the debtor or its insiders will have with the Prospective Purchaser after the sale are as follows: NONE

NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to enter an order modifying the plan, or if you want the court to consider your views on the motion, then **on or before April 4, 2023**, you or your attorney must file with the court a written objection explaining your position.

Those not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

116 U.S. Courthouse, 46 East Ohio Street, Indianapolis, IN 46204

If you mail your objection to the court, you must mail it early enough so the court will **receive** it on or before the date stated above. You must also send a copy of your objection to: Perez & Perez, PO Box 1019, Brownsburg, IN 46112.

If you or your attorney do not take these steps, the court may decide that you do not oppose an order modifying the plan, and may enter an order granting that relief.

WHEREFORE, Debtor prays that the Court grant the motion to sell and for all other just relief.

Respectfully Submitted,

/s/ Juan A. Perez Jr.
Juan A. Perez Jr. #27290-64
Counsel for Debtor
Perez & Perez
P.O. Box 1019
Brownsburg, IN 46112
Phone: (317) 634-5968
Fax: (317) 634-5966
jay@perezlawindiana.com

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

John Morgan Hauber
ecfmail@hauber13.com, ecfmail1@hauber13.com

Jessica S Owens on behalf of Creditor Freedom Mortgage Corporation
bankruptcy@doylelegal.com

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

I further certify that on March 14, 2023, a copy of the foregoing was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to **all other parties on the attached matrix.**

/s/ Juan A. Perez Jr.
Juan A. Perez Jr. #27290-64

Label Matrix for local noticing
0756-1
Case 19-06891-JMC-13
Southern District of Indiana
Indianapolis
Tue Mar 14 16:09:17 EDT 2023

Indiana University Health System
PO Box 1123
Minneapolis, MN 55440-1123

U.S. Bank National Association
Rushmore Loan Management Services
P.O. Box 55004
Irvine, CA 92619-5004

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Perez & Perez
PO Box 943
Indianapolis, IN 46206-0943

End of Label Matrix
Mailable recipients 6
Bypassed recipients 0
Total 6

HALE Federal Credit Union
5745 Lee Road
Indianapolis, IN 46216-2063

Quantum3 Group LLC as agent for
Velocity Investments LLC
PO Box 788
Kirkland, WA 98083-0788